

REMARKS

Claims 1, 4-6, 9-11, 14-16, 19-21, 24-26, 29-30, 32-33, 35-36 and 38-46 are pending in the application.

Amendment of Claims After Final Action -- 37 CFR §1.116

“After a final rejection or other final action (§ 1.113) in an application . . . amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action.” 37 CFR § 1.116(b). Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. MPEP § 714.12.

Applicant respectfully submits that the amendment to independent claims 1, 11 and 21 places the present application in a condition for allowance or alternately, in better form for appeal. By including the limitation of claims 34 and 37, amended independent claims 1, 11 and 21 merely clarifies the relationship between the elements of claims 1, 11 and 21.

Because the amendment merely requires only a cursory review by the examiner, applicant respectfully requests the amended claim be entered under MPEP § 714.13. “The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance...” MPEP §714.13.

Amended independent claim 1, 11 and 21 merely requires only a cursory review by the examiner and does not require a further search of relevant art due to the fact that the amendment only clarifies the relationship between the elements recited in claim 1, 11 and 21. As such, the examiner has already considered the recited elements and may limit the scope of review of the amended independent claims 1, 11 and 21 to the art of record in the present application.

Therefore, it is respectfully requested that the examiner enter the amended independent claim 1, 11 and 21 under 37 CFR §1.116 as it places the application in condition for allowance or in better form for appeal (MPEP §714.12) and requires no more than a cursory review (MPEP §714.13).

Claim Rejections – 35 USC § 103

The Patent Office rejected claims 1-46 under 35 U.S.C. § 103(a) as being unpatentable over Humpleman et al., U.S. Patent No. 6,288,716, (hereinafter Humpleman) in view of Jones et al., U.S. Patent No. 6,304,523 (hereinafter Jones).

Applicant respectfully traverses the rejection. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Independent claims 1, 11 and 21 include elements that have not been disclosed, taught, or suggested by the combination of Humpleman and Jones. For instance, Humpleman and Jones do not disclose teach or suggest the elements of claim 1 below:

A system comprising:

- (a) an information appliance having a graphical user interface and capable of retrieving content via a worldwide network; and
- (b) a first device capable of being operably connected with said information appliance, said first device comprises at least one of the following: a television, a cable box, a satellite receiver, a CD player, a DVD player, a radio tuner, a video game player, a VCR, and a security system; wherein said information appliance is capable of creating a device channel upon detection of said first device and analyzing an audiovisual media delivered by said first device and automatically creating a media sub-channel to said device channel in a format acceptable to a user, said device channel comprising information associated with said first device and content retrieved from said worldwide network relating to said first device, said media sub-channel comprising information associated with said audiovisual media and content retrieved from said worldwide network relating to said audiovisual media, said device channel and media sub-channel being accessible for display via said graphical user interface, said audiovisual media

comprises at least one of the following: audio content, musical content, video content, photographic content, and a video game.

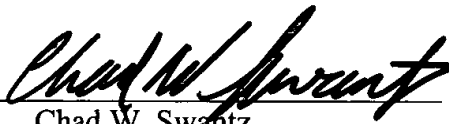
Claims 11 and 21 are believed allowable for the same rationale as claim 1. Consequently, under *In re Ryoka*, a *prima facie* case of obviousness has not been established for claims 1, 11 and 21. Claims 4-6, 9-10, 14-16, 19-20, 24-26, 29-30, 32-33, 35-36 and 38-46 are believed allowable due to their dependence upon an allowable base claim.

CONCLUSION

In light of the foregoing amendments and remarks, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
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